

## Chapter 5.50

### FIREWORKS SALES

#### Sections:

- 5.50.010 Definitions.**
- 5.50.020 Dates when sale and use of fireworks are permitted.**
- 5.50.030 Sales—License required.**
- 5.50.040 License—Application.**
- 5.50.050 License—Fees.**
- 5.50.060 Sales—Rules and regulations.**
- 5.50.070 Temporary stands.**
- 5.50.080 Indoor fireworks sales restrictions.**
- 5.50.090 Discharge restrictions.**
- 5.50.100 Emergency authority of manager to prohibit discharge of fireworks.**

#### **5.50.010 Definitions.**

The following definitions shall have, for the purpose of this chapter, the following definitions:

A. “Indoor sales” means sales conducted inside permanent structures.

B. “Permanent structure” means a non-movable building, securely attached to a foundation, housing a business licensed to sell merchandise generally, in addition to the sale of fireworks.

C. “Person” means an individual, company, partnership, corporation or other business entity.

D. “Temporary stand” means a nonpermanent structure used for the sale of fireworks.

#### **5.50.020 Dates when sale and use of fireworks are permitted.**

A. Fireworks, as defined by and authorized pursuant to the Utah Fireworks Act, *Utah Code Ann.*, § 11-3-1, *et seq.*, may be sold within the city on or between June 20 and July 25 of each year; on or between December 20 and January 2 of each year; and 15 days be-

fore and on the Chinese New Year.

B. Fireworks may be discharged three days prior to, on the day of, and three days following July 4, July 24, January 1 and the Chinese New Year of each year.

#### **5.50.030 Sales—License required.**

Except as provided in this chapter, no person shall offer for sale or sell at retail any fireworks without first having applied for and received a license from the city to do so for each location at which the fireworks are sold or offered for sale.

#### **5.50.040 License—Application.**

Applications for a license to sell fireworks shall:

A. Be made in writing, accompanied by the appropriate license fee;

B. Set forth the proposed location of the fireworks sales;

C. For fireworks sales, include for delivery to the license official insurance certificates evidencing public liability insurance coverage in the amount of \$200,000/ \$400,000, and property damage insurance coverage in the amount of \$200,000. Such certificates shall designate the city as an additional insured;

D. For fireworks sales, include for delivery to the license official certificates evidencing products liability insurance in an amount not less than \$1,000,000 per occurrence;

E. Include a statement that the applicant agrees to comply strictly with the terms of this chapter, the laws of the state, the city and this license as granted; and

F. Include evidence of a current sales tax permit issued by the state of Utah.

#### **5.50.050 License—Fees.**

The annual fee for a license to sell fireworks shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

#### **5.50.060 Sales—Rules and regulations.**

The following shall be general require-

ments which must be followed by all persons selling fireworks within the city:

A. All weeds and combustible materials shall be cleared from any fireworks sales location, including a distance of at least 25 feet surrounding the sales location;

B. A sign bearing the message "Discharge of Fireworks Prohibited Within 100 Feet of this Location" in letters at least three inches tall, shall be conspicuously displayed at each fireworks sales location;

C. There shall be at least one supervisor, no younger than 18 years of age, on duty at all times when the sale of fireworks is in progress. Such supervisor shall remain near the sales location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or unless the merchandise is removed;

D. Any fireworks shall be effectively kept away from any kind of self-service by the public unless the fireworks are prepackaged and kept in the original package;

E. The license authorizing the sale of fireworks and a copy of the sales tax permit used by the licensee shall be available for inspection by public safety personnel;

F. Fireworks shall not be sold to any person under the age of 16 years, unless such person is accompanied by an adult;

G. The storage of fireworks for sale shall not be located in residential areas;

H. Smoking shall not be permitted within 50 feet of any fireworks, either on display for retail sale or being stored. "Smoking Prohibited Within 50 Feet" (or similar wording) signs shall be conspicuously posted at all fireworks sales and storage locations;

I. A sign indicating the legal dates for the discharge of fireworks shall be posted at all fireworks sales locations in such a position as to be clearly visible to the general public;

J. All fireworks retail sales locations shall be equipped with at least a portable fire extinguisher having a combined rating of no less than a 2A:10BC, approved by a recog-

nized testing laboratory; and

K. No amount of retail storage or retail sales of fireworks shall, by its presence, create a distinct hazard to any person or property.

#### **5.50.070 Temporary stands.**

Retail sales of fireworks shall be permitted from a temporary stand. Sales from such temporary stands shall be subject to the following regulations.

A. All fireworks stands shall be located in C-2, C-3 or M1 zones, or any other zones that future changes made by zoning ordinances provide, no closer than 25 feet from any other fireworks stand or any unit used for the storage or dispensing of any flammable substance;

B. Fireworks stands need not comply with the provisions of the city's building code, but all such stands shall be erected in a manner that will reasonably assure the safety of occupants and patrons;

C. Each fireworks stand up to 24 feet in length must have at least two exits. Each fireworks stand in excess of 24 feet in length must have at least three exits. All exits shall be spaced at approximately equal distances apart. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort;

D. Each fireworks stand shall maintain a two and one-half gallon 2A rated water-pressure type fire extinguisher or an ABC minimum 2A:10BC rated fire extinguisher near each exit, and such extinguishers shall be kept in good working order and shall be easily accessible for use;

E. Two signs, each sign bearing the message "No Smoking Within 50 Feet of This Stand" in letters at least three inches tall, shall be displayed on each and every side of a fireworks stand;

F. Fireworks stands shall be removed within seven days after retail sales shall cease and the licensee shall clean the site upon which the temporary stand was formerly located;

G. Prior to the issuance of a license for a temporary stand, each applicant shall file with the license official a cash bond or irrevocable letter of credit in the amount of \$350 in a form acceptable to the city attorney for each temporary stand to be operated by the applicant. Such cash bond or irrevocable letter of credit shall assure compliance with the provisions of this section, including but not limited to the removal of the stand and the cleaning of the site upon which it was located, in accordance with the requirements of this chapter. Such bond or irrevocable letter of credit may also be forfeited for services provided by the city where damage has resulted. In the event the licensee does not comply with the provisions of this chapter, remove the stand or clean the site as required, the city may do so or cause the same to be done, and the reasonable cost thereof shall be charged against the licensee and the cash bond or letter of credit;

H. Each temporary stand shall have a minimum three-foot-wide, unobstructed aisle running the length of the stand, inside and behind the sales counter;

I. Any pass-through openings for the sales of fireworks in temporary stands shall be arranged to permit the customer to view the merchandise for sale, but shall prevent the touching or handling of non-prepackaged fireworks by the customer;

J. In the event that the temporary stand is used for the overnight storage of fireworks, it shall be equipped with suitable locking devices to prevent unauthorized entry; and

K. No person shall sleep in a temporary fireworks stand.

#### **5.50.080 Indoor fireworks sales restrictions.**

The following requirements shall be specifically applied to any indoor fireworks sales locations:

A. In all retail sales locations in permanent structures where fireworks are sold, the area where fireworks are displayed or stored

shall be at least 50 feet from any flammable liquid or gas, or from any other highly combustible material. Fireworks shall not be stored, including stock for sale, near any exit doorways, stairways, or in any location that would impede egress;

B. Fireworks shall be stored, handled, displayed and sold only as units in their original packaging; and

C. Fireworks inside buildings shall be displayed with regard to the following restrictions:

1. Up to 250 pounds of fireworks: Display of fireworks is unrestricted;

2. From 251 pounds to 500 pounds of fireworks: Display of fireworks must be within constant visual supervision of sales personnel; and

3. In excess of 500 pounds of fireworks: Display of fireworks must be constantly attended by a salesperson.

#### **5.50.090 Discharge restrictions.**

It is unlawful for any person to:

A. Discharge a firework within 100 feet of any fireworks sales location;

B. Ignite, explode, project or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon or over or onto the property of another; and

C. Ignite, explode or otherwise make use of any fireworks within twenty feet of any residence, dwelling or other structure.

#### **5.50.100 Emergency authority of manager to prohibit discharge of fireworks.**

A. The manager is authorized to issue temporary (not to exceed 60 days) regulations and restrictions pertaining to the discharge of fireworks in order to preserve the health, safety and welfare of persons and property in the city. Any such regulations or restrictions must be based on drought or other climatic conditions which may create an unreasonable risk of damage, loss or injury to persons or

property.

B. Any person who is guilty of discharging a firework contrary to any order issued pursuant to this section shall be guilty of a class C misdemeanor.